

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOAN CICCHIELLO,
Petitioner

v.

WARDEN LOVETT,
Respondent

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No. 1:22-cv-1979

(Judge Rambo)

ORDER

AND NOW, on this 18th day of January 2023, upon consideration of *pro se* Petitioner Joan Cicchiello’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) and exhibits in support thereof, and the Court observing that Petitioner has paid the requisite filing fee, **IT IS ORDERED THAT:**

1. The Court exercises its discretion under Rule 1(b) of the Rules Governing Section 2254 Cases in the United States District Courts to apply those rules to this § 2241 petition;
2. Petitioner’s Grounds 3 and 4—which assert civil rights claims that do not sound in habeas corpus, *see Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973) (holding that habeas petitions are proper mechanisms to challenge “fact or duration” of confinement)—are **DISMISSED** pursuant to 28 U.S.C. § 2254 Rule 4 as “it plainly appears from the petition . . . that the petitioner is not entitled to relief” on such claims in an action for a writ of habeas corpus;
3. The Clerk of Court is directed to serve a copy of the petition (Doc. No. 1), the exhibits in support thereof, and this Order on Respondent and the United States Attorney, and to note the address of the United States Attorney on the front of the docket sheet in this case. All documents filed by the parties and by the Court shall be served upon the United States Attorney. *See* 28 U.S.C. § 2254 Rule 4;

4. Within **thirty (30) days** of the date of this Order, Respondent shall file an answer, motion, or other response to the allegations of the petition (Grounds 1 and 2 only). *See* 28 U.S.C. § 2254 Rule 5;
5. Petitioner, if desired, may file a reply to Respondent's answer or other pleading **within twenty-one (21) days** after its filing. *See* 28 U.S.C. § 2254 Rule 5(e); and
6. A determination as to whether Petitioner shall be produced for a hearing will be held in abeyance pending the filing of Respondent's answer or other pleading.

s/ Sylvia H. Rambo
United States District Judge